

**FORTY-FIRST DAY**  
(Continued).

(Friday, March 19, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

**Reports of Standing Committees.**

(By Unanimous Consent.)

Reports on Senate Bills Nos. 168, 41, 403, 23, 217 and 434, and on House Bills Nos. 352, 288 and 369 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

**Leaves of Absence Granted.**

Senator Hill was granted leave of absence for today, on account of important business, on motion of Senator Aikin.

Senator Weinert was granted leave of absence for today on account of the serious illness of his daughter, on motion of Senator Aikin.

Senator Holbrook was granted leave of absence for today, on account of important business, on motion of Senator Roberts.

Senator Winfield was granted leave of absence for today, on account of important business, on motion of Senator Neal.

**Message From the House.**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, March 18, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 68, Requesting the immediate appointment of the members of the Board of Pardons and Paroles.

H. C. R. No. 69, Providing for a Joint Session of the Senate and House on Friday, March 19, 1937 at 10:30 a. m. to hear an address by Honorable Amine Youssef, Minister to the United States from Egypt.

H. B. No. 202, A bill to be entitled "An Act providing that S. B. No.

146, Chapter 181, Subsection (2) of Section 12, enacted by the Regular Session of the Forty-fourth Legislature, be amended by eliminating said Subsection (2) and further providing for fifteen captains, twenty sergeants and three hundred privates in the Texas State Highway Patrol, and declaring an emergency."

H. B. No. 975, A bill to be entitled "An Act making an emergency appropriation of Five Hundred Three Thousand Two Hundred Seventy-eight and 02/100 (\$503,278.02) Dollars out of the General Revenue Fund of the State of Texas for certain State Departments, State Eleemosynary Institutions and certain State Educational Institutions; designating the purpose for which said funds are to be used; providing that said funds are to be available immediately, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY, -  
Chief Clerk, House of Representatives.

**House Concurrent Resolution No. 69.**

The President laid before the Senate the following resolution:

H. C. R. No. 69, Inviting Hon. Amine Youssef, Minister to the United States from Egypt, to address the Legislature at 10:30 o'clock a. m. today.

The resolution was read, and by unanimous consent of the Senate, was adopted at this time.

**House Bills on First Reading.**

The following bills, received from the House today, were laid before the Senate, read first time and referred by the President to the Committees indicated:

H. B. No. 202, to Committee on State Affairs.

H. B. No. 975, to Committee on Finance.

**Message From the Governor.**

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas, March 18, 1937.  
To the Members of the Forty-fifth Legislature:

I hereby submit to you as an emergency matter for your immediate consideration an emergency appropriation for the Attorney General's Department of the State Government, covering the items of expenditures therein enumerated amounting to \$25,000.00 to pay costs and expenses in prosecuting the suit of the State for recovery of transfer, succession and inheritance tax against the estate of Edward H. R. Green, I recommend that the same receive your favorable consideration.

The Attorney General has filed this suit in the Supreme Court of the United States for the collection of a sum in excess of Five Million Dollars as a tax upon the right of succession to the Estate of Edward H. R. Green, deceased. He states that there is more than a reasonable prospect of obtaining this amount for the State of Texas.

The peculiar character of this proceeding, entailing as it does the taking of testimony and depositions throughout many of the States of the United States, and requiring, as it will require, the constant attendance of that Department, will call for more and unusual expenses beyond the present appropriation, thus making it necessary to provide additional funds, as provided for in the bill herewith submitted.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

#### House Concurrent Resolution No. 68.

The President laid before the Senate, the following resolution, received from the House today:

H. C. R. No. 68, Relating to appointment of members of Board of Pardons and Paroles.

The resolution was read.

Senator Small moved that the rule requiring concurrent resolutions to be referred to a committee and the regular order of business be suspended for the purpose of taking up the resolution for consideration at this time.

The motion prevailed by the following vote:

Yeas—17.

Aikin.	Burns.
Beck.	Collie.

Cotten.	Roberts.
Head.	Shivers.
Lemens.	Small.
Neal.	Sulak.
Newton.	Van Zandt.
Pace.	Westerfeld.
Redditt.	

Nays—5.

Brownlee.	Spears.
Davis.	Woodruff.
Isbell.	

Present—Not Voting.

Nelson.	Oneal.
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Absent.

Stone.

Absent—Excused.

Hill.	Rawlings.
Holbrook.	Weinert.
Moore.	Winfield.

Senator Woodruff moved the previous question on the adoption of the resolution, and the motion was duly seconded.

Question—Shall the main question now be ordered?

Senator Aikin raised a point of order on consideration at this time of the motion for the previous question, on the ground that there has been no debate on the resolution, and free discussion has not been allowed thereon in accordance with Section 32 of Article 3 of the State Constitution.

The President overruled the point of order.

Yeas and nays were demanded on the motion for the previous question, and the Senate refused to order the main question at this time by the following vote:

Yeas—5.

Burns.	Shivers.
Pace.	Woodruff.
Redditt.	

Nays—19.

Aikin.	Head.
Beck.	Isbell.
Brownlee.	Lemens.
Collie.	Neal.
Cotten.	Nelson.
Davis.	Newton.

Oneal.  
Roberts.  
Spears.  
Stone.

Sulak.  
Van Zandt.  
Westerfeld.

Present—Not Voting.

Small.

Absent—Excused.

Hill. Rawlings.  
Holbrook. Weinert.  
Moore. Winfield.

On motion of Senator Small, the resolution was laid on the table subject to call.

#### Joint Session.

At 10:30 o'clock a. m., the President announced that the hour heretofore fixed by joint action of the two Houses for a Joint Session of the Senate and House of Representatives to hear an address by Hon. Amine Youssef had arrived, and requested the Senators to proceed in a body to the Hall of the House of Representatives.

The Honorable Senators were announced at the bar of the House, were admitted and were escorted to seats prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker of the House, occupied a seat on the Speaker's stand.

Doctor Armine Youssef, Envoy Extraordinary and Minister Plenipotentiary of the King of Egypt, was escorted to the Speaker's stand by Senators Westerfeld and Aikin on the part of the Senate and by Mr. Celaya and Mr. McCracken on the part of the House.

The Speaker of the House presented the President of the Senate, who in turn, introduced Doctor Armine Youssef to the Joint Session.

Doctor Youssef then addressed the Joint Session.

At the conclusion of the address, the President of the Senate thanked Doctor Youssef, and requested the Senators to repair to the Senate Chamber.

#### In the Senate.

The Senate was called to order at 10:55 o'clock a. m. by the President.

#### Message From the Governor.

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas, March 19, 1937.

To the Members of the Forty-fifth Legislature:

The House Committee, composed of McKinney, Roark and Bradbury, has just officially called upon me with reference to the horrible disaster at New London, and informed me that the House is desirous of passing appropriate resolutions or legislation looking into a determination of the causes of this disaster and appropriate emergency legislation.

For your information, I have already ordered a military court of inquiry. The State Fire Marshall has sent his chief engineer, probably the best authority on such matters in the State service, to the scene of the disaster. The Railroad Commission is furnishing its engineers, and I am taking steps to secure other experts.

Of course, the military court of inquiry will have rather broad powers, and I would suggest that legislative action be deferred for a day or two until our findings can assume some form. I believe you will then be in position to pass a more appropriate resolution than at the present moment.

I assure you I will immediately advise the Legislature of any findings or developments.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

#### Report of Conference Committee on House Bill No. 150.

Senator Stone submitted the following report of the Free Conference Committee on H. B. No. 150:

Committee Room,  
Austin, Texas, March 19, 1937.  
Hon. Walter F. Woodul, President of the Senate.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on H. B. No. 150, beg leave to report that we have considered the

same and recommend that it do pass in the form as attached hereto.

Respectfully submitted,

McDONALD,

QUINN,

METCALFE,

HANKAMER.

On the part of the House.

STONE,

ROBERTS,

BECK,

SHIVERS,

REDDITT.

On the part of the Senate.

By Messrs. Quinn, H. B. No. 150.  
McFarland, Nich-  
olson, McDonald  
and McKee.

#### A BILL

#### To Be Entitled

An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to lease for oil and/or gas and/or sulphur and/or other mineral development all lands used as experimental stations and all other lands under its exclusive control, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to use and/or invest funds accruing from the lease of sale of oil, gas, sulphur, and other minerals, prescribing the mode and manner of said oil, gas, sulphur and other mineral leases on said lands; providing for setting up any funds accruing as a permanent fund and appropriating the income therefrom: providing that in leasing lands operated as experimental stations that the lease shall provide certain restrictions therein, and provide that the lessee of any of the experimental stations lands shall so conduct the operations as not to interfere with the Agricultural and Mechanical College operations as an experimental station, and providing that the State shall continue to operate said station for experimental purposes while same is being operated for the development of oil or other minerals, and providing that if any part of this law shall be declared unconstitutional it shall not affect the remainder of the law, making an appropriation to defray the ex-

penses of said Board in executing the provisions of this Act, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Board of Directors of the Agricultural and Mechanical College of Texas is hereby authorized and empowered to lease for oil and/or gas and/or sulphur and/or other mineral development all lands used for experimental stations and all other lands under its exclusive control or any part thereof now owned by the State of Texas and acquired for the use of the Agricultural and Mechanical College of Texas and its divisions or that may hereafter be acquired for the use of the Agricultural and Mechanical College of Texas and its divisions. Any amounts received under and by virtue of this Act shall be deposited in the State Treasury to the credit of a Special Fund to be known as follows: "Agricultural and Mechanical College of Texas Special Mineral Fund," and any funds placed therein shall be appropriated by the Legislature of the State of Texas in its regular biennial appropriation bill, exclusively for Agricultural and Mechanical College of Texas and its branches. The amounts received by said Fund between the effective date of this Act and August 31, 1937, are hereby appropriated to the Agricultural & Mechanical College of Texas, to be expended as may be determined by the Board of Directors of said College; provided, however, any royalties received shall be used exclusively for permanent improvements.

Sec. 2. The Board is hereby authorized to cause said lands to be surveyed and/or subdivided into such tracts, lots, or blocks as will, in their judgment, be most conducive and convenient to facilitate the advantageous sale of oil and/or gas and/or sulphur and/or other minerals thereof and to make such maps and plats as may be thought necessary to carry out the purposes of this Act. The Board is further authorized to obtain authentic abstracts of title to all of said lands as they may deem necessary from time to time and to take such steps as may be necessary to perfect a merchantable title to said lands in the State of Texas.

Sec. 3. Whenever, in the opinion of the Board, there shall be such a demand for the purchase of oil and/or gas and/or sulphur and/or other mineral leases on any tract or part of any tract of lands as will reasonably insure an advantageous sale, the Board shall place such oil and/or gas and/or sulphur and/or other minerals leased on said land on the market in such tract or tracts, or any part thereof, as the Board may designate. It shall cause to be advertised a brief description of the land from which the oil and/or gas and/or sulphur and/or other minerals is proposed to be sold and that sealed bids for the purchase of said oil and/or gas and/or sulphur and/or other minerals by lease will be opened at a designated day at ten o'clock A. M. of said day. All sealed bids received up to that time may be considered. Said advertisements shall be made by insertion in two or more papers of general circulation in this State and in addition the Board may in its discretion cause said advertisement to be placed in oil and gas journals published in and out of the State and also mail copies of such proposals generally to such persons as the Board might think would be interested therein.

Sec. 4. All bids shall be directed to the said Board in care of the Agricultural and Mechanical College, College Station, Texas, and shall be retained by the Chairman of said Board until the day designated for the opening of bids and upon that day said Board, or any majority of its members, shall open said bids and shall list and file and register all bids and money received. A separate bid shall be made for each tract, or subdivision thereof. No bids shall be accepted which offer a royalty of less than one-eighth ( $1/8$ ) of the gross production of oil or gas and/or sulphur in the land bid upon and this minimum royalty may be increased at the discretion of the Board. Every bid shall carry the obligation to pay an amount not less than One Dollar per acre for delay in drilling or development; such amount to be fixed by the Board in advance of the advertisement and shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land.

Sec. 5. Every bid shall be accompanied by a payment equal to the minimum price fixed on the land per acre for the delay in drilling if the bid is accepted. The bid shall further indicate the royalty the bidder is willing to pay which royalty shall not be less than one-eighth ( $1/8$ ) of the gross production of oil or gas and/or sulphur produced from the land leased. The bid shall further name such amount as the bidder may be willing to pay as a cash bonus in addition to the royalty and in the annual payment herein provided for, and shall be accompanied by cash or checks to cover said amounts.

Sec. 6. If in the opinion of the Board any one of the bidders shall have offered a reasonable and proper price for any tract and not less than the price fixed by the Board, the lands advertised may be leased for oil and/or gas and/or sulphur and/or other mineral purposes under the terms of this Act, and such regulations as the Board may prescribe, not inconsistent with the provisions of this Act. If after any bidding by sealed bids, the Board should reject all bids, as it is hereby authorized to do, it may thereafter offer for sale and sell a lease on the oil and/or gas and/or sulphur and/or other minerals in said lands by open public auctions at a price greater than the price offered by the sealed bids. All bids may be rejected. In the event of no sale at public auction any subsequent procedure for the sale of oil and/or gas and/or sulphur and/or other mineral leases shall be in the manner above provided. Provided that no lease for oil and/or gas and/or sulphur and/or other minerals shall be made by said Board which will permit the drilling or mining for oil and/or gas and/or sulphur and/or other minerals within less than 300 feet of any building on said land, without the consent of the Board, and further providing that in making any lease on any experimental station the lease shall provide that the operations for oil, gas and other minerals shall not in any way interfere with the land as an experimental station and shall not cause the abandonment of said property or its use for experimental farm purposes, and the lessee operating said property shall drill

and carry on his operations in such a way as not to cause the abandonment of said property for experimental farm purposes and any such leased property shall be subject to the use by the State of Texas for all experimental purposes.

Sec. 7. If the Board shall determine that a satisfactory bid has been received for said oil and/or gas and/or sulphur and/or other minerals it shall accept the same and reject all other bids and file said accepted bid in the General Land Office. Whenever the royalties shall amount to as much as the yearly payments as fixed by the Board, the yearly payment may be discontinued. If before the expiration of five years oil and/or gas and/or sulphur and/or other minerals shall not have been produced in paying quantities, the lease shall terminate, unless extended as hereinafter provided.

Sec. 8. (a) If the Board shall determine that a satisfactory bid has been received for said oil and/or gas and/or sulphur and/or other minerals, it will make an award to the applicant offering the highest price therefor, and a lease shall be filed in the General Land Office.

(b) The exploratory term of the lease as determined by the Board prior to the promulgation of the advertisement shall in no case exceed five (5) years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term, unless by unanimous vote of members of the Board such lease may be extended for a period of five (5) years, which lease may be extended where the Board finds that there is likelihood of oil and/or sulphur and/or other minerals being discovered thereon by lessees, and that such leases have proceeded with diligence to protect the interest of the State; provided, however, that if oil and/or gas and/or sulphur and/or other minerals is being produced in paying quantities from the premises, said lease shall continue in force and effect as long as such oil and/or gas and/or sulphur and/or other minerals are being so produced. Provided, that no extension hereunder may be made by the Board until the last thirty days of the original term of the lease. The lease shall include such additional provisions and regulations as the Board

may prescribe to preserve the interest of the State, but not inconsistent with the provisions of this Act.

(c) Whenever in the discretion of said Board, it is deemed for the best interest of the State to extend a lease issued by said Board, the Board is hereby granted and given full authority by unanimous vote to extend said lease for a period not to exceed five (5) years, upon the condition that the lessee shall continue to pay yearly rental as provided in the lease and such additional terms as the Board may see fit and proper to demand. The Board is hereby given full authority to extend such lease and execute an extension agreement therefor.

Sec. 9. If during the term of any lease issued under the provisions of this Act the lessee shall be engaged in actual drilling operations for the discovery of oil and/or gas and/or sulphur and/or other minerals on land covered by any such lease, no rentals shall be payable as to the tract on which such operations are being conducted so long as such operations are proceeding in good faith; and in the event oil and/or gas and/or sulphur and/or other minerals are discovered in paying quantities on any tract of land covered by any such lease, then the lease as to such tract shall remain in force so long as oil and/or gas and/or sulphur and/or other minerals are produced in paying quantities from such tract. In the event of the discovery of oil and/or gas and/or sulphur and/or other minerals on any tract covered by a lease issued hereunder or on any land adjoining same, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by such lease to properly develop the same, to the extent that a reasonably prudent operator would do under the same and similar circumstances.

Sec. 10. Title to all rights purchased may be held by the owners so long as the area produces oil and/or gas and/or sulphur and/or other minerals in paying quantities. All rights purchased may be assigned. All assignments shall be filed in the General Land Office within one hundred days from the date of the first acknowledgment thereof, accompanied by ten cents

per acre for each acre assigned and if not so filed and payment made, the assignment shall not be effective. All rights to any whole tract or to any assigned portion thereof may be relinquished to the State at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated, and filed with the Chairman of the Board accompanied with One Dollar for each area assigned, but such assignment shall not relieve the owner of any past due obligations theretofore accrued thereon. The Board shall authorize the laying of pipe line, telephone line, and the opening of such roads as may be deemed reasonably necessary for and incident to the purpose of this Act.

Sec. 11. If oil or other minerals are developed on any of the lands leased by the Board, the royalty as stipulated in the sale shall be paid to the General Land Office at Austin, Texas, on or before the 20th day of each succeeding month for the preceding month during the life of the rights purchased, and be set aside in the State Treasury as specified in Section 1 hereof, and said funds may be used as therein provided. Said royalty paid to the General Land Office as above stipulated shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil and/or sulphur and/or other minerals produced and saved since the last report and the amount of gas and/or sulphur and/or other minerals produced and sold off the premises and the market value of the oil and/or gas and/or sulphur and/or other minerals together with a copy of all daily guages or vats, tanks, gas meter readings, pipe line receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipe lines, tanks, vats, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, pipe lines, and all contracts and other records pertaining to the production, transportation, sale and marketing of the oil and/or gas and/or sulphur and/or other minerals shall at all times be subject to inspection and examination of any member of the Board of Directors of

the Agricultural and Mechanical College of Texas or any duly authorized representative of said Board. The Commissioner of the General Land Office shall tender to the Board of Directors of the Agricultural and Mechanical College of Texas at the close of each month a report of all receipts from the lease or sale of oil and/or gas and/or sulphur and/or other minerals turned into the Special Fund in the State Treasury.

Sec. 12. In every case where the area in which oil and/or gas and/or sulphur and/or other minerals sold shall be contiguous or adjacent to lands which are not lands belonging to and held by the Agricultural and Mechanical College of Texas, the acceptance of the bid and the sale made thereby shall constitute an obligation on the owner thereof to adequately protect the land leased from drainage from said adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances. In cases where the area in which the oil and/or gas and/or sulphur and/or other minerals are sold is contiguous to other lands belonging to and held by the Agricultural and Mechanical College of Texas which have been leased or sold at a lesser royalty the owner shall likewise protect said land from drainage from the lands so leased or sold for a lesser royalty. Upon failure to protect the land from drainage as herein provided the sale and all rights thereunder may be forfeited by the Board in the manner elsewhere provided for forfeitures.

Sec. 13. If the owner of the rights acquired under this Act shall fail or refuse to make the payments of any sum due thereon, either as rental or royalty on the production, within thirty days after the same shall become due, or if such owner or his authorized agent should make any false return or false report concerning production, royalty or drilling or mining or if such owner shall fail or refuse to drill any offset well or wells in good faith, as required by his lease, or if such owner or his agent should refuse the proper authority access to the records and other data pertaining to the operations under this Act, or if such owner, or his authorized agent, should fail or refuse

to give correct information to the proper authorities, or fail or refuse to furnish the log of any well within thirty days after production is found in paying quantities, or if any of the material terms of the lease should be violated, such lease shall be subject to forfeiture by the Board by an order entered upon the minutes of the Board reciting the facts constituting the default, and declaring the forfeiture. The Board may, if it so desires, have suit instituted for forfeiture through the Attorney General of the State. Upon proper showing by the forfeiting owner, within thirty days after the declaration of forfeiture, the lease may, at the discretion of the Board and upon such terms as it may prescribe, be reinstated. In case of violation by the owner of the lease contract, the remedy of the State by forfeiture shall not be the exclusive remedy but suit for damages or specific performance, or both, may be instituted. The State shall have a first lien upon oil and/or gas and/or sulphur and/or other minerals produced upon the leased area, and upon all rigs, tanks, vats, pipe lines, telephone lines, and machinery and appliances used in the production and handling of oil and/or gas and/or sulphur and/or other minerals produced thereon, to secure any amount due from the owner of the said lease.

Sec. 14. All surveys, files, records, copies of sale and lease contracts and all other records pertaining to the sales and leases hereby authorized shall be filed in the General Land Office and constitute archives thereof. Payment hereunder shall be made to the Commissioner of the General Land Office at Austin, Texas, who shall transmit to the State Treasurer all royalties, lease fees, rentals for delay in drilling or mining and all other payments, including all filing assignments and relinquishment fees hereunder, to be deposited in a special fund in the State Treasury to the credit of the Agricultural and Mechanical College of Texas.

Sec. 15. The Board shall adopt proper forms and regulations, rules and contracts as will in its best judgment protect the income from lands leased hereunder. A majority of the Board shall have power to act in all cases, except where otherwise herein

provided. The Board may reject any and all bids and shall have the further right to withdraw any lands advertised for lease prior to receiving and opening bids.

Sec. 16. The expenses of executing the provisions of this Act shall be paid by warrants drawn by the Comptroller of the State on the State Treasurer, and for that purpose the sum of Two Thousand Dollars (\$2000) or so much thereof as may be necessary is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated until September 1, 1937, after which time expenses of executing the provisions of this Act shall be paid by warrants drawn by the Comptroller of the State on the State Treasurer against the income from the special fund accumulated from leases, rentals, royalties, and other payments.

Sec. 17. If any section, subsection, paragraph, clause or sentence in this Act is declared to be unconstitutional, the same shall not affect the remaining portions of this Act.

Sec. 18. The fact that there is no law authorizing the sale of oil and/or gas and/or sulphur and/or other mineral leases on lands belonging to and held by the Agricultural and Mechanical College of Texas and its divisions acquired for special purposes, other than the University lands, and the further fact that some of these lands have valuable mineral rights which if properly conserved would be of great financial benefit in furthering the purposes for which the land was acquired, or may be acquired, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—22.

Aikin.	Cotten.
Beck.	Davis.
Brownlee.	Isbell.
Burns.	Neal.
Collie.	Nelson.



Newton.	Spears.
Oneal.	Stone.
Pace.	Sulak.
Redditt.	Van Zandt.
Roberts.	Westerfeld.
Shivers.	Woodruff.

Absent.

Head.	Small.
Lemens.	

Absent—Excused.

Hill.	Rawlings.
Holbrook.	Weinert.
Moore.	Winfield.

**Providing for Night Session.**

Senator Burns moved that the Senate meet next Tuesday night, March 23, 1937, at 7 o'clock p. m. for the purpose of considering local and non-contested bills on their second reading and passage to engrossment or to third reading and that each of the Senators be requested to file with the Parliamentarian the list of bills he will request to take up for consideration at the night session, and that no bill be considered at said session if three or more members announce their objection to its consideration.

The motion prevailed.

**Senate Bill No. 244 on Second Reading.**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 244, A bill to be entitled "An Act authorizing the county board of trustees of each organized county to detach from one and add to another school district territory contiguous to the common boundary line of the districts affected; and providing for the adjustment of outstanding indebtedness; providing for the creation of new Independent Common School Districts and county line districts out of parts of other school districts; and providing for adjustment of any bonded indebtedness and the assumption of said indebtedness; repealing all laws in conflict therewith, but providing that this Act shall be cumulative of the provisions of the present law govern-

ing Common and Independent School Districts not in conflict herewith; and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Davis and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was then read second time.

Senator Oneal offered the following amendments to the bill:

(1)

Amend S. B. No. 244 by striking out the following from Section 1, beginning in line 7 of said Section: "where the territory to be detached exceeds ten per cent (10%) of the entire district."

(2)

Amend S. B. No. 244 by striking out of Section 3, beginning in line 17 of said Section the following: "In the event the territory to be detached from any district exceeds ten per cent (10%) of the total area of the said district."

The amendments were adopted severally.

The bill was passed to engrossment.

**Senate Bill No. 244 on Third Reading.**

Senator Davis moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 244 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Head.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Woodruff.

## Absent—Excused.

Hill.	Rawlings.
Holbrook.	Winfield.
Moore.	

The President then laid S. B. No. 244 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Head.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Woodruff.

## Absent—Excused.

Hill.	Rawlings.
Holbrook.	Winfield.
Moore.	

## Senate Bill No. 247 With House Amendments.

Senator Woodruff called up from the President's table, for further consideration at this time of the House amendments to the bill:

S. B. No. 247, Amending Chapter 241 of the General Laws of the Regular Session of the Forty-fourth Legislature, relating to tax on cigarettes.

With motion by Senator Woodruff to non-concur in the amendments and request the appointment of a free conference committee to adjust the differences between the two Houses on the bill, and motion by Senator Spears to concur in the House amendments to the bill pending.

Senator Spears withdrew the motion to concur in the House amendments.

The motion of Senator Woodruff prevailed.

Accordingly, the President appointed the following Free Conference Committee on the part of the Senate:

Senators Aikin, Woodruff, Newton, Beck and Spears.

## Motion to Take up House Bill No. 353.

Senator Shivers moved that the regular order of business be suspended to take up for consideration at this time:

H. B. No. 353, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue Fund of the State of Texas for the Livestock Sanitary Commission for the balance of the fiscal year ending August 31, 1937, to cover the purchase of dip materials, marking paint salaries of inspectors, salaries of county supervisors, salaries of district supervisors, and traveling expenses, and declaring an emergency."

Yeas and nays were demanded on the motion to suspend the regular order of business.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—13.

Brownlee.	Roberts.
Burns.	Shivers.
Cotten.	Sulak.
Lemens.	Westerfeld.
Neal.	Winfield.
Newton.	Woodruff.
Redditt.	

## Nays—10.

Aikin.	Nelson.
Beck.	Oneal.
Collie.	Pace.
Davis.	Stone.
Isbell.	Van Zandt.

## Present—Not Voting.

Spears.

## Absent.

Head.	Small.
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## Absent—Excused.

Hill.	Rawlings.
Holbrook.	Weinert.
Moore.	

## House Bill No. 447 on Second Reading.

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 447, A bill to be entitled "An Act to create Taylor-Callahan Counties Road District No. 7, embracing lands in the Counties of Taylor and Callahan, Texas; defining its boundaries; providing that said district shall be governed and controlled by the provisions of Chapter 16, General Laws, Thirty-ninth Legislature, First Called Session, 1926, and amendments, except as herein otherwise provided; conferring upon said road district all the rights, powers, privileges and duties conferred and imposed by the General Laws of Texas upon road districts; providing that any territory, included within the bounds of said district, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory, under authority of Section 52, Article III, Constitution; providing that nothing in this Act shall be construed as affecting the organization and establishment of Road District No. 1, of Taylor County, Texas, the indebtedness now outstanding against said Road District No. 1, and/or the levy of taxes in payment thereof; etc., and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 447 on Third Reading.

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 447 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Head.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

#### Absent—Excused.

Hill.	Rawlings.
Holbrook.	Weinert.
Moore.	

The President then laid H. B. No. 447 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—26.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Head.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

#### Absent—Excused.

Hill.	Rawlings.
Holbrook.	Weinert.
Moore.	

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, March 19, 1937.

Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 105, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the State Tuberculosis Sanatorium for Negroes for the remainder of the fiscal year, ending August 31, 1937, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations; and declaring an emergency."

(With amendments.)

The House has passed the following resolution:

H. C. R. No. 70, Authorizing the appointment of a Joint Legislative Committee to investigate the causes

of the explosion of the New London school on March 18, 1937.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill on First Reading.

(By Unanimous Consent.)

The following bill relating to an emergency matter submitted by the Governor pursuant to Section 5 of Article 3 of the Constitution was introduced, read first time and referred to the Committee on Finance:

By Senator Redditt:

S. B. No. 435, A bill to be entitled "An Act making an appropriation of \$20,000 to be used by the Attorney General for the purpose of paying costs and expenses in prosecuting the suit of the State of Texas for recovery of transfer, succession or inheritance tax against the estate of Edward H. R. Green, under the provisions of Chapter 5, Title 122, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

#### House Bill No. 288 on Second Reading.

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 288, A bill to be entitled "An Act providing for emergency relief for certain school districts in Texas to aid certain districts in the payment of teachers' salaries and in equipping certain school buildings in certain districts in which there has been an influx of children within scholastic age since the last scholastic enumeration in the State making an appropriation to each of said district for said purposes; prescribing the manner of disbursing the funds appropriated by this Act, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 288 on Third Reading.

Senator Brownlee moved that the constitutional rule requiring bills to

be read on three several days be suspended and that H. B. No. 288 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Head.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Neal.	Westerfield.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Hill.	Rawlings.
Holbrook.	Weinert.
Moore.	

The President then laid H. B. No. 288 before the Senate on its third reading and final passage.

The bill was read third time.

Senator Van Zandt moved to table the bill subject to call.

The motion prevailed.

#### Senate Bill No. 105 with House Amendments.

Senator Spears called up S. B. No. 105 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Senator Spears moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Lemens.
Beck.	Neal.
Brownlee.	Nelson.
Burns.	Newton.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Redditt.
Head.	Roberts.
Isbell.	Shivers.

Small. Van Zandt.  
Spears. Westerfeld.  
Stone. Winfield.  
Sulak. Woodruff.

Absent—Excused.

Hill. Rawlings.  
Holbrook. Weinert.  
Moore.

#### House Concurrent Resolution No. 70.

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 70, Authorizing the appointment of a joint legislative committee to investigate the causes of the explosion which destroyed the school building at New London, Texas.

On motion of Senator Pace, and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended and the regular order of business was suspended to permit consideration of the resolution at this time.

Senator Pace offered the following amendment to the resolution:

Amend H. C. R. No. 70 by striking out the word and figure 3 and inserting in lieu thereof the word and figure 4.

PACE,  
SPEARS.

The amendment was adopted.

The resolution as amended was adopted.

Accordingly, the President appointed the following committee on the part of the Senate: Senators Redditt, Pace, Beck and Hill.

#### Senate Joint Resolution No. 13 on Engrossment.

The Senate resumed consideration of pending business, same being S. J. R. No. 13, proposing a constitutional amendment to authorize appropriations by the Legislature to attract tourists, immigrants and industries into the State, on its passage to engrossment; with amendment by Senator Aikin pending.

Question—Shall the amendment be adopted?

Senator Woodruff moved that the resolution and pending amendment be tabled subject to call.

The motion to table subject to call was lost.

On motion of Senator Van Zandt, the amendment of Senator Aikin was tabled.

S. J. R. No. 13 was passed to engrossment by the following vote:

Yeas—20.

Beck.	Oneal.
Brownlee.	Pace.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Head.	Stone.
Lemens.	Van Zandt.
Neal.	Westerfeld.
Newton.	Winfield.

Nays—2.

Aikin. Woodruff.

Present—Not Voting.

Isbell.

Absent.

Nelson. Sulak.  
Small.

Absent—Excused.

Hill. Rawlings.  
Holbrook. Weinert.  
Moore.

#### Adjournment.

Senator Spears moved that the Senate do now adjourn until 10:00 o'clock a. m., next Monday, March 22, 1937, out of respect to the victims of the explosion which destroyed the school building at New London, Texas, on March 18, 1937.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Head.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Hill.	Rawlings.
Holbrook.	Weinert.
Moore.	

The Senate, accordingly, at 12:20 o'clock p. m., adjourned until 10 o'clock a. m., Monday, March 22, 1937.

#### APPENDIX.

##### Bills Filed in Department of State.

Austin, Texas, March 18, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: This is to advise that the following resolution was the only legislative enactment of the Forty-fifth Legislature filed in this office Wednesday, March 17, 1937:

H. C. R. No. 64:

Vote in the Senate, viva voce.

Vote in the House, viva voce.

Signed by the Governor, March 16, 1937.

Assuring you of my pleasure in performing this service, I am

Very truly yours,

EDWARD CLARK,  
Secretary of State.

By: M. E. SANDLIN,  
Assistant Secretary of State.

##### Reports of Standing Committees.

Committee Room,

Austin, Texas, March 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 168, A bill to be entitled "An Act to create a Soldiers' and Sailor's Home in the State of Texas, providing that said home shall be operated in conjunction with the Confederate Home at Austin, Texas, and placing the operation thereof under the supervision of the State Board of Control; providing that inmates may be discharged for admission procured by fraud or misrepresentation and determining eligibility for admission; providing for deposit of pensions or other compensation received from the United States Government with superintendent and determining expenditure thereof, and providing that wife of ex-service man

may be admitted to residence, and where wife of ex-service man is admitted, then such pension or compensation received shall be deposited with superintendent under rules and regulations promulgated by the State Board of Control for expenditure for her benefit, and providing further for the care and maintenance of inmates, and in the event of death of ex-service man, his widow may be transferred to Confederate Womans' Home at Austin, Texas, if she so desires or may remain in said Soldiers' and Sailors' Home, and providing that the Board of Control is authorized to receive donations in aid of such home, and that Superintendent of Confederate Home shall also act as Superintendent of Soldiers' and Sailors' Home, and providing that Board of Control may negotiate with the Federal Government for aid and assistance in support thereof, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 41, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the Board of Water Engineers' Department for the balance of the fiscal year ending August 31, 1937, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute in lieu thereof do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 18, 1937..

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 403, A bill to be entitled "An Act recognizing the validity of Brown County Water Improvement District No. 1, recognizing the flood control value of the storage dam erected by said district across the

waters of Pecan Bayou, and the value thereof to the entire Colorado River District; providing for the diversion of all net amounts of the annual current State ad valorem taxes that may be collected from the property lying within said district which otherwise would go into the Federal Fund of the State of Texas, including the rolling stock belonging to any railroad company situated herein; providing for the Comptroller of Public Accounts to certify to the State Treasurer the amount of said tax which under the terms of this Act are granted to Brown County Water Improvement District No. 1 when and as said taxes are remitted; prescribing the boundaries of said district, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute in lieu thereof do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 352, A bill to be entitled "An Act to provide for the inspection of steam boilers; defining certain terms; requiring a permit to operate; exempting certain boilers from the provisions of the Act; providing for appointment of a boiler inspector and deputies; providing for promulgation of rules and regulations by the Commissioner of Labor covering the inspection and operation of steam boilers; exempting incorporated cities and towns that have or may hereafter have inspectors; etc.; providing a saving clause, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with committee amendments with recommendation that it do pass, and be printed.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, March 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 288, A bill to be entitled

"An Act providing for emergency relief for certain school districts in Texas to aid certain districts in the payment of teachers salaries, and in equipping certain school buildings in certain districts in which there has been an influx of children, within scholastic age, since the last scholastic enumeration in the State; making an appropriation to each of said districts for said purposes; prescribing the manner of disbursing the funds appropriated by this Act, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 23, A bill to be entitled "An Act defining public utilities, and providing for their regulation; creating the Public Utilities Commission of this State; providing for appointment of commissioners, and fixing their qualifications and compensation, and prescribing their duties and powers, and the manner in which the jurisdiction herein conferred shall be exercised; providing penalties for the violation of this Act, and for the repeal of all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

PACE, Chairman.

Committee Room,

Austin, Texas, March 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 217, A bill to be entitled "An Act creating a Public Utility Commission; providing for the appointment of commissioners, defining their powers and duties, fixing their salaries and terms of office, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

PACE, Chairman.

Committee Room,  
Austin, Texas, March 19, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 369, A bill to be entitled "An Act amending Article 2942, Revised Civil Statutes, 1925, by adding thereto a section to be known as Article 2942a by providing that upon petition of forty (40) of the qualified voters but not to exceed five (5) per cent in any voting precinct or ward, the chairman of the County Executive Committee or any three (3) members of such committee shall nominate a supervisor of election for such voting precinct; providing that such supervisor shall be a resident of such election precinct and shall be a qualified voter thereof, and shall be selected from one of the persons signing such petition; prescribing the duties of such supervisor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

BECK, Chairman.

Committee Room,  
Austin, Texas, March 18, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 434, A bill to be entitled "An Act amending Article 5139, Revised Civil Statutes of the State of Texas; providing additional compensation for members of the County Juvenile Board in all counties having a population of not less than three hundred and twenty thousand (320,000) and not more than three hundred and fifty thousand (350,000), according to the last preceding or any future Federal Census, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SPEARS, Chairman.



**SENATE RESOLUTION NO. 53.**

Senator Spears, by unanimous consent, offered the following resolution:

Whereas, There has occurred in the community of New London, Rusk County, Texas, on Thursday, March 18, 1937, one of the most horrible and heartbreaking catastrophes in the history of this country; the lives of several hundred school children and a score of teachers being lost, and many scores injured; and

Whereas, The people of Texas, and the entire world, have been shocked beyond expression at such an appalling loss of life and injury to these children and teachers; now, therefore be it

Resolved, That the Senate of the State of Texas, extend to the bereaved families of these children and teachers the sympathy of its members as well as that of the entire State of Texas, and to Senator Joe L. Hill of Henderson, Texas, who represents the grief-stricken New London community in this body;

That the President of the Senate of Texas appoint a committee of four members of the Senate to go to this community to assist its people in any manner possible, and to express to the citizenship of Rusk County, Texas, the sorrow felt by the people of Texas, and that said committee obtain all information available as to the cause of said disaster, and report their findings to this body, for guidance and assistance to said community, and that the expenses be paid out of the Contingent Fund.

That when the Senate stands adjourned today it do so in memory of those dear ones who have passed beyond, under such terrible and trying circumstances, and that a copy of this resolution be sent to the press of Rusk County, Texas, and the school authorities of the New London community.

Spears.	Isbell.	Shivers.
Aikin.	Lemens.	Small.
Beck.	Moore.	Stone.
Brownlee.	Neal.	Sulak.
Burns.	Nelson.	Van Zandt.
Collie.	Newton.	Weinert.
Cotten.	Oneal.	Westerfeld.
Davis.	Pace.	Winfield.
Head.	Rawlings.	Woodruff.
Hill.	Redditt.	Woodul.
Holbrook.	Roberts.	Lieutenant-Governor.

The resolution was read.

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to take up the resolution for consideration at this time.

On motion of Senator Spears, the names of all Senators and the Lieutenant-Governor were added to the resolution as signers thereof.

The resolution was adopted unanimously.

In accordance with the provisions of the resolution, the President announced the appointment of the following committee:

Senators Redditt, Pace, Beck and Hill.